

GREGORY G. KATSAS  
Acting Assistant Attorney General  
NELSON P. COHEN  
United States Attorney  
GARY GUARINO  
Chief, Civil Division  
Assistant United States Attorney  
Federal Building & U.S. Courthouse  
222 West Seventh Avenue, #9, Room 253  
Anchorage, Alaska 99513-7567  
Telephone: (907) 271-5071  
Telefax: (907) 271-3224  
R. MICHAEL UNDERHILL  
Attorney in Charge, West Coast Office  
Torts Branch, Civil Division  
JEANNE M. FRANKEN  
Trial Attorney  
Torts Branch, Civil Division  
U.S. Department of Justice  
7-5395 Federal Building  
P.O. Box 36028  
450 Golden Gate Avenue  
San Francisco, California 94102-3463  
Telephone: (415) 436-6644  
Telefax: (415) 436-6632  
E-mail: jeanne.franken@usdoj.gov  
Attorneys for Defendants/Appellees  
United States of America

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

<p>SAMSON TUG AND BARGE CO., INC., an Alaska Corporation</p> <p>Plaintiff/Appellant</p> <p>v.</p> <p>UNITED STATES OF AMERICA,</p> <p>acting by and through</p> <p>the UNITED STATES DEPARTMENT of the NAVY MILITARY SEALIFT COMMAND, and UNITED STATES DEPARTMENT OF</p>	<p>) Civil No. A03-006 CV (JWS)</p> <p>)</p> <p>) IN ADMIRALTY</p> <p>)</p> <p>)</p> <p>)</p> <p>) MOTION BY DEFENDANT, UNITED STATES OF AMERICA, FOR PERMISSION TO FILE SUR- REPLY IN RESPONSE TO PLAINTIFF SAMSON'S REPLY IN SUPPORT OF ITS MOTION <i>IN</i> <i>LIMINE</i>, ON SHORTENED TIME</p>
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1 THE ARMY MILITARY TRAFFIC )  
 2 MANAGEMENT COMMAND )

3 Defendants/Appellees )  
 4 \_\_\_\_\_ )

5 Defendant United States does hereby request permission to file a sur-reply to plaintiff  
 6 Samson's reply to the Government's opposition memorandum in response to plaintiff's  
 7 motion *in limine*. The basis for this request by the Government is the fact that Samson has  
 8 raised new issues and offered additional, allegedly supportive, material for the first time in  
 9 its reply, items which require some response by the United States. Given the travel schedule  
 10 of Government counsel, the United States further requests that it have until May 14, 2008 in  
 11 which to file said sur-reply. The Government proposes plaintiff Samson have until May 9,  
 12 2008 in which to oppose this request.

13 Respectfully submitted:

14 Dated: May 5, 2008

GREGORY G. KATSAS  
 Acting Assistant Attorney General  
 NELSON P. COHEN  
 United States Attorney  
 GARY GUARINO  
 Chief, Civil Division  
 Assistant United States Attorney  
 R. MIKE UNDERHILL  
 Attorney in Charge, West Coast Office  
 Torts Branch, Civil Division

18 s/Jeanne M. Franken

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 20 JEANNE M. FRANKEN  
 21 Trial Attorney  
 Torts Branch, Civil Division  
 U.S. Department of Justice

22 Attorneys for Defendants/Appellees  
 23 United States of America  
 24  
 25

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 5, 2008, a copy of the foregoing MOTION BY  
DEFENDANT UNITED STATES OF AMERICA TO FILE SUR-REPLY IN RESPONSE  
TO PLAINTIFF SAMSON'S REPLY, WITH ATTACHED ORDER, was served  
electronically on:

Richard D. Gluck, Esq.  
Garvey Schubert Barer

William G. Royce, Esq.  
Law Office of William G. Royce

Attorneys for Plaintiff/Appellant  
Samson Tug and Barge Company, Inc.

s/Jeanne M. Franken

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JEANNE M. FRANKEN